

Legal 3². 21 for 23



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

COCHISE COUNTY REZONING APPLICATION

Submit to: Cochise County Community Department
1415 Melody Lane, Building E, Bisbee, Arizona 85603

1. Applicant's Name: MARY Jones
2. Mailing Address: 3577 Jefferson Rd
Elfrida Az 85610
City State Zip Code

3. Telephone Number of Applicant: 520 678-8238 (Rick)

4. Telephone Number of Contact Person if Different: ()

5. Email Address: tombstonemare@yahoo.com

6. Assessor's Tax Parcel Number: 403-23-008 (Can be obtained from your County property tax statement)

7. Applicant is (check one):

- Sole owner: ☒
- Joint Owner: (See number 8)
- Designated Agent of Owner:
- If not one of the above, explain interest in rezoning:

7. If applicant is **not** sole owner, attach a list of all owners of property proposed for rezoning by parcel number. Include all real parties in interest, such as beneficiaries of trusts, and specify if owner is an individual, a partnership, or a corporation:

- List attached (if applicable):

8. If applicant is **not** sole owner, indicate which **notarized** proof of agency is attached:

- If corporation, corporate resolution designating applicant to act as agent:
- If partnership, written authorization from partner:
- If designated agent, attach a **notarized** letter from the property owner(s) authorizing representation as agent for this application.

9. Attach a proof of ownership for all property proposed for rezoning. Check which proof of ownership is attached:
- Copy of deed of ownership: _____
 - Copy of title report: _____
 - Copy of tax notice: ☒ _____
 - Other, list: _____

10. Will approval of the rezoning result in more than one zoning district on any tax parcel?

- Yes _____ No ☒ _____

11. If property is a new split, or the rezoning request results in more than one zoning district on any tax parcel then a copy of a survey and associated legal description stamped by a surveyor or engineer licensed by the State of Arizona must be attached.

12. Is more than one parcel contained within the area to be rezoned? Yes _____ No ☒ _____

- If yes and more than one property owner is involved, have all property owners sign the attached consent signature form.

13. Indicate existing Zoning District for Property: TR-18

14. Indicate proposed Zoning District for Property: GB

Note: A copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached. Review this criteria and supply all information that applies to your rezoning. Feel free to call the Planning Department with questions regarding what information is applicable.

15. Comprehensive Plan Category: C Developing (A County planner can provide this information.)

16. Comprehensive Plan Designation or Community Plan: _____ (A County planner can provide this information.)

Note: in some instances a Plan Amendment might be required before the rezoning can be processed. Reference the attached rezoning criteria, Section A.

17. Describe all structures already existing on the property: Complex building
portable building

18. List all proposed uses and structures which would be established if the zoning change is approved. Be complete. You may want to attach a site plan: Complex building - fire repair
portable building for V-trail & place for coffee drinkers

19. Are there any deed restrictions or private covenants in effect for this property?

- No ☒ Yes _____
- If yes, is the proposed zoning district compatible with all applicable deed restrictions/private covenants? Yes _____ No _____

- Provide a copy of the applicable restrictions (these can be obtained from the Recorder's office using the recordation Docket number)

20. Which streets or easements will be used for traffic entering and exiting the property?

Hwy 191, Already there
 And Approved in 2005

21. What off-site improvements are proposed for streets or easements used by traffic that will be generated by this rezoning? None, done in 2005

22. How many driveway cuts do you propose to the streets or easements used by traffic that will be generated by this rezoning? None

23. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	Elfrida Water Dist	in place
Sewer/Septic	private	
Electricity	SSVEC	in place
Natural Gas	Southwest	
Telephone	Copper Valley	
Fire Protection	Elfrida fire district	

24. This section provides an opportunity for you to explain the reasons why you consider the rezoning to be appropriate at this location. The attached copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached for your reference (attach additional pages as needed).

legitimize a business use -
prior to violation.

25. AFFIDAVIT

I, the undersigned, do hereby file with the Cochise County Planning Commission this petition for rezoning. I certify that, to the best of my knowledge, all the information submitted herein and in the attachments is correct. I hereby authorize the Cochise County Planning Department staff to enter the property herein described for the purpose of conducting a field visit.

Applicant's Signature: Mary Jones
Date: 1/5/11

Dear Neighbor,

I am writing to let you know that we are rezoning

Parcel #403-23-008

From TR -Residential to GB-General business

If you have any concerns or questions please feel free to contact me at
tombstone mare@yahoo.com or 614-325-6202.

Thank you so much

Rick & Mary Jones



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Judy Anderson, Director

February 28, 2006

Mr. Rick Jones
3577 Jefferson Rd.
Elfrida, AZ 85610

RE: Home Occupation; Tax Parcel #403-23-008

Dear Mr. Jones:

The Planning Department has reviewed the submitted home occupation questionnaire and with regret is not able to approve your application for this use. The proposed operation, ***E-bay sales and services***, as represented by your questionnaire, may not be categorized as a home occupation. The parameters of home occupations require that there shall be no outdoor display of materials, goods, supplies or equipment. You have indicated that there will be a vehicle and/or a car trailer stored outside on occasion; therefore, the proposed activity violates this component of the home occupation definition. The enclosed handout details home occupation criteria.

In addition, the definition of home occupations suggests that the nature of activities be more similar to "personal and professional services", those activities which keep with a residential appearance and which have a minimal potential impact on neighbors. Your parcel is zoned TR-18 (Transitional-Residential; one dwelling per 18,000 square feet); unfortunately, vehicle sales is not a permitted use or special use in this Zoning District.

If you have any further questions or concerns regarding your request, please feel free to contact me at 432-9240.

Best regards,

Michael Turisk,
Planner

Encl (1): Home Occupation brochure

Pc: Home Occupation file, Parcel file, Zoning Enforcement Officer

68



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

Tel: (520) 432-9240

Fax: (520) 432-9278

Judy Anderson, Director

HOME OCCUPATION QUESTIONNAIRE

TR-13
C

Please fill out this questionnaire completely. The Planning Department will review the questionnaire and respond by mail whether or not the proposed business/services fits within the home occupation provisions. No home occupation may be conducted without prior written approval from this Department.

Name of the applicant(s) (PLEASE PRINT):

~~XXXXXXXXXXXXXXXXXXXX~~ Rick Jones

Name of the property owner if you are not the owner

Rick Jones

(Letter of permission must be attached if the applicant is not the property owner)

Mailing address

3577 Jefferson Rd

Elfrida, AZ

Zip Code

Address of the proposed use

10390 Hwy 191, E

(if different from mailing)

Elfrida, AZ

Zip Code

85610

Phone Number:

642-1307

Parcel Number*

403-23-008

*(Must provide parcel number for processing, it can be found on Tax Statement, also known as Tax Parcel I.D. Number)

1. Describe the nature of the proposed home occupation, the activities that will take place, and the **primary** function for the proposed space. (Please use a separate sheet to provide us with any additional information that will help us better understand the nature of your business.)

E-Bay Sales & Services

2. Where will the operation be performed:

In a detached workshop, in the residence, or others

Bed Room

A. Please indicate the total square footage of your residence

640 sq ft

B. Please indicate the total square footage of the area to be utilized

20 sq ft

(Please submit a conceptual drawing for the proposed space in relation to the residence, see sample drawing)

3. Will any persons other than the residents of the dwelling be employed in the conduct of the home occupation? no If so, how many? _____

4. Will anything outside of the residence or workshop (other than one permitted, non-illuminated sign no larger than 4 square feet and vehicular signs) indicate that a business is taking place?

no

5. Will any hazardous material be used for the business? no

If yes, please describe the material _____

6. Will any equipment, products or materials be stored outside? some

1 VEHICLE AT TIMES

1 CAR TRAILER

69

7. Will any noise, vibrations, noxious odors, dust, heat, or glare related to the home occupation be detectable off-site? NO
8. Will the primary function of the occupation be the sale or rental of goods from the site? NO
9. Describe any traffic (vehicles per day or vehicles per week) you expect in addition to the traffic currently generated by residents. NONE
10. How many on-site parking spaces are available in addition to those required by your personal vehicles? 5
11. Will the proposed use require the establishment of a new septic system? NO
12. Are any new accessory structures, such as a detached workshop, proposed for the home occupation? NO
Is the residence an existing structure, under construction, or proposed for construction? NO
Is any remodeling/reconstruction of an existing structure in excess of \$500 involved? NO
If yes to any of these questions, has a residential permit been applied for and approved? _____
Please indicate permit number and date approved: _____

It is the applicant's responsibility to obtain any additional permits, or meet any additional conditions, if any, that may be applicable to the proposed activity pursuant to other federal, state or local laws or regulations.

I CERTIFY THAT THE ABOVE STATEMENTS AND ANSWERS ARE TRUE AND COMPLETE:

Signature: _____

Date: Feb 6/06

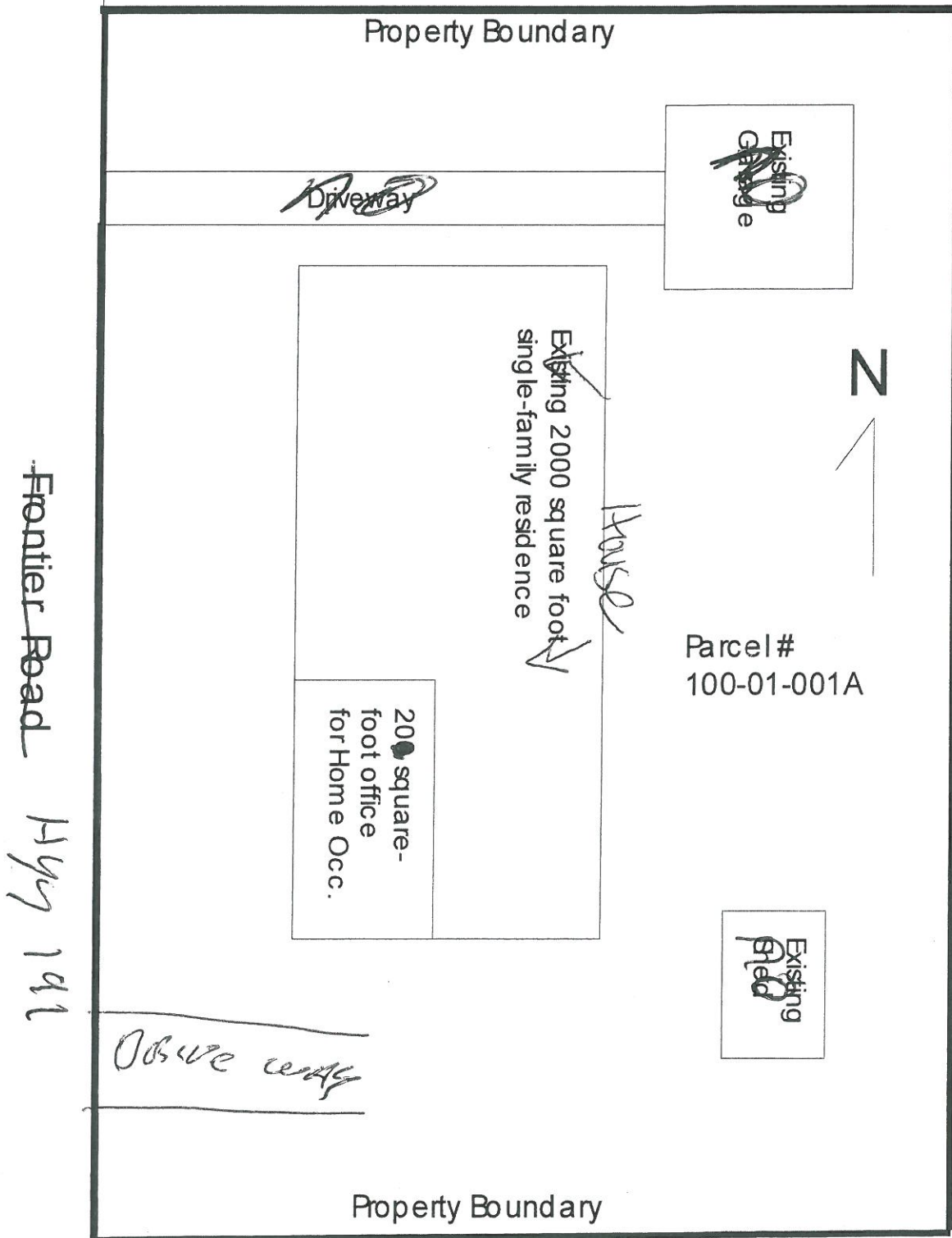
- FOR OFFICIAL USE ONLY -

Parcel History:

Comment from the Health Department:

Comment from the Planning Department

Home Occupation Sample Drawing





COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety
1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

Carlos de la Torre, P.E., Community Development Director

MEMORANDUM

TO: Beverly Wilson, Interim Planning Manager

FROM: Karen L. Lamberton, County Transportation Planner

SUBJECT: Jones Tire/U-Haul and Coffee Shop: Z-12-02\Parcel #403-23-008

DATE: February 17, 2012

The applicant has proposed to rezone from TR-18 to a GB in order to continue to operate a business at this location. The site takes access from Highway 191 in the Elfrida area. This mix of uses located on an estimated half acre lot has potential, in an urban area, of generating a notable amount of traffic with thresholds over 500 trips per day, per the ITE Manual, 8th edition (tire repair services, rentals and small coffee shop). However, this threshold is clearly excessive for the scale of services offered at this site and the average highway traffic of the area (estimated 1,440 trips per day). In spite of the business being open seven days a week (limited - 9 am to 1 pm - hours on the weekends) it is likely that this business has slightly higher traffic than would be present in a residential zone. A residential unit is also still on the property. Additional information about the operation of this business would be needed to calculate an estimated traffic generation; a very rough estimate based on the size of the buildings on the site would be a range from 34 to 48 trips per day. Most trips would occur during off-peak hours.

At present a residential scaled access apron is indicated on the site plan (20 feet) which would not meet an ADOT commercial access apron standard. Typically, a minimum of 24 feet with 35 foot radii is needed of an asphalt-concrete surfaced apron and the applicants will need to obtain an Encroachment Permit along with ADOT commercial apron standards and coordinate with ADOT for any required improvements. It would not appear that additional off-site improvements would be needed based on the lack of peak hour traffic volumes.

The applicant is also advised that there are numerous site development standards for commercial uses related to designated parking spaces, handicapped parking spaces, graveled surfaces and other standards that are no presently met on this residentially zoned parcel. These improvements will be required to be made at the commercial permitting stage and/or variances obtained for each of those standards. At present, the site is an unimproved native surfaced lot with a portion of the lot fenced.

Recommendation

Land use changes do not, in and of themselves, change traffic patterns; however, they do create conditions for future transportation impacts. This re-zoning proposes a mix of fairly low traffic volume uses that likely have slightly higher vehicle trips per day than the existing zoning would allow. Should the proposal change to more intensive uses that result in heavier impacts mitigation may be required at the permitting stage appropriate to the final site development plans.

A revised site plan showing the correct alignment of Highway 191 with additional driveway detail will be needed at the commercial permit stage. (Radii, sight triangle, surfacing etc.)

The applicants are advised that it is their responsibility to contact the ADOT, Safford District's Permit office and notify them of the change of use from residential to commercial and complete any required upgrades to a commercial standard apron. Permit information is available on-line at: <http://www.dot.state.az.us/Highways/Districts/Safford/index.asp> or the applicant may contact Armando Membrila, Permits Office at Safford District, at 2082 US Hwy 70, Safford, AZ 85546; or call 928.432.4915

cc: Docket Z-12-02; Hwy Dept., ADOT